1944 **File No** B. Dist. Police/44

Home Department

B **BRANCH**

Subject:–

A bill to amend the Bombay District Police Act 1890.

(Insertion of new section 39AA in Bom. IV of 1890)

Bill No. IV of 1944.

(Bom Act II of 1944)

E
1944
page-8

File No. B. Dist. Police/44.

Gen. 194 e.

)34-B

Office of the R.L.A.

A revised draft Bill with a Statement is sent herewith. Since the Magistrate of the District has power under section 39A of the Bombay District Police Act, 1890, to make rules forlicensing and controlling theatres and other places of public amusement, entertainment or assembly, and the fees have been prescribed and levied by him the Bill should provide for enabling the District Magistrate and not the Provincial Government to prescribe and levy fees. The revised draft provides accordingly.

2. The subject-matter of the Bill falls under entries 35 and 54 of the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act or paragraph (2) of the Proclamation. Under Executive Instructions the Bill requires the previous concurrence ofthe Governor-General before enactment. (Vide Governor's Secretary's Circulars No. 201(12) dated 18th December 1939 and No. 201(12) dated 22nd July 1941).

Sd/-P.N.M.
7-1-44

Remembrancer of Legal Affairs.

U.R. to H.D.(Poll.), No. 136 dated 8th January 1944.

S.C. 13/7

4 copies.

GOVERNOR'S BILL NO. OF 1944.

A Bill to amend the Bombay District Police Act, 1890.

WHEREAS it is expedient to amend the Bombay District Police Act, 1890, for the purpose hereinafter appearing;

Bom. IV of 1890.

AND WHEREAS the Governor has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935 all powers vested by or under the said Act in the Provincial Legislature.

26 Geo. 5.Ch.2.

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :-

Short title,

1. This Act may be called the Bombay District Police (Amendment) Act, 1944.

Insertion of new section 39AA in Bom. IV of 1890, Bom. IV of 1890.

2. After section 39A of the Bombay District Police Act 1890, the following new section shall be inserted, namely

Power of Magistrate Magistrate of the district to levy fees under rules made under section 39A.

"39AA . Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the District under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly."

STATEMENT.

Under the Rules made by the Magistrate of the district, with the previous sanction of the Provincial Government, under section 39A of the Bombay District Police Act, 1890, provision for the ~~levy~~ levy of fees for licensing theatres and other places of public amusement, entertainment or assembly was made in 1915 and the said fees were appropriated as part of the general revenues for the purposes of provincial expenditure, Doubts were raised regarding the power of the Magistrate of the district to prescribe and levy such fees. The object of this Bill ~~is~~ is to remove such doubts and to make it clear that the Magistrate of the district has and always had power to prescribe and levy such fees.

S.C.13/7
4 copies.

No. 1735
Legal Department.
Bombay Castle, 6th March 1944.

From

P.N.Moos, Esquire, Bar-at-law,I.C.S.
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject :- A Bill to amend the Bombay District Police Act, 1890.

Sir,

With reference to your memorandum No. 201(101) dated the 14th February 1944 addressed to the Home Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bill to a-mend the Bombay District Police Act, 1890, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entries 35 a 54 of the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act or paragraph (2) of the Proclamation.

4. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

5. I also forward herewith one spare copy of the Bill.

Your obedient servant.
Sd/-P.N.M.
Secretary to the Government of Bombay
Legal Department.

Through

The Secretary to the Government of Bombay
Home Department.

Legal Department.

The Bill to amend the Bombay District Police Act, 1890 has been forwarded separately through the Home Department to Secretary to the Governor for obtaining the assent of His Excellency the Governor to the Bill

2. The draft notification at p. 49 ante, as amended, is in order. It should be published on or after the date on which the Act will come into force.

For Secretary to Government.

U.R. to H.D. No. 1772 dated the 6th March 1944.

NOTIFICATION.
Home Department. (Political),
Bombay Castle, 1944.

Government of India Act, 1935.

No. .- In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the Bombay District Police (Amendment) Act, 1944, (Bom. of 1944 shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay

Secretary to Government.

S .C. 13/7
4 copies.

No. 201(101)
Office of the Governor's Secretary
Government House
Bombay, 16th March 1944.

From

H.Symington,Esquire, CIE.ICS.
Secretary to the Governor of Bombay.

To

The Secretary to Government,
Legal Department, Bombay.

Subject .- Bombay District Police(Amendment) Bill, 1944.

Sir,

With reference to your letter No. 1736, dated the 6th March 1944, on the above subject, I am directed to return herewith the copy of the Bombay District Police (Amendment) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty .

Your obedient servant.

Secretary to the Governor of Bombay.

S.C. 13/7
4 copies.

Acts.
Publication of the Bombay District Police (Amendment) Act, 1944.

GOVERNMENT OF BOMBAY
Legal Department.
Resolution No. 2058
Bombay Castle, 18th March 1944.

Letter to the Secretary to the Governor, No. 1735 dated the 6th March 1944.

Letter from the Secretary to the Governor, No. 201(101), dated the 16th March 1944.

"With reference to your letter No. 1735, dated the 6th March , 1944, on the above subject, I am directed to return herewith the copy of the Bombay District Police (Amendment) Bill, 1944, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provision of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in thename of His Majesty."

RESOLUTION..* The law should be published as Bombay Act, No. ~~k~~ 11 of 1944, in the Bombay Government Gazette dated the 18th March 1944.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu andDevnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Home Department.

By order of the Governor of Bombay

S.L.Chaudhari
P.N.Moos,

for secretary to Government.

To

The manager, Government Central Press, Bombay
(with a copy of the Act and with a request that 15 Gazette copies of the Act my may be forwarded to the Legal Department.)

The Home Department,
The Oriental Translator to Government,
The Secretary to the Bombay Legislative Assembly.
The Secretary to the Bombay Legislative Council.
) with a copy of the Act.

* with five extra copies.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 18TH MARCH 1944.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

PAGE

BOMBAY ACT No. II OF 1944—An Act to amend the Bombay District Police Act, 1890 47-48

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 15th March 1944 is hereby published for general information.

P. N. MOOS,

Secretary to the Government of Bombay,
Legal Department

BOMBAY ACT No. II OF 1944.

First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 18th March 1944.)

An Act to amend the Bombay District Police Act, 1890.

Bom. IV of 1890.

WHEREAS it is expedient to amend the Bombay District Police Act, 1890, for the purpose hereinafter appearing;

26 Geo. 5, ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers the Governor of Bombay is pleased to make the following Act :—

Short title.

1. This Act may be called the Bombay District Police (Amendment) Act, 1944.

Insertion of new section 39AA in Bom. IV of 1890.

2. After section 39A of the Bombay District Police Act, 1890, the following new section shall be inserted, namely :— Bom. IV of 1890

Power of Magistrate of the district to levy fees under rules made under section 39A.

"39AA. Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the district under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly."

STATEMENT.

Under the rules made by the Magistrate of the district, with the previous sanction of the Provincial Government, under section 39A of the Bombay District Police Act, 1890, provision for the levy of fees for licensing theatres and other places of public amusement, entertainment or assembly was made in 1915 and the said fees were appropriated as part of the general revenues for the purposes of provincial expenditure. Doubts were raised regarding the power of the Magistrate of the district to prescribe and levy such fees. The object of this Act is to remove such doubts and to make it clear that the Magistrate of the district has and always had power to prescribe and levy such fees.

"True copy - Original papers being of bad quality - Destroyed."

Superintendent,
D Branch, Legal Department

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS